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ATTACHMENT “A”

SW2006-079

STATE of CALIFORNIA, COUNTY of IMPERIAL,
ATTACHED and INCORPORATED
STATEMENT OF PROBABLE CAUSE

Affiant declares under penalty of perjury that the following facts are true and that there is probable cause to believe, and Affiant does believe, that the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons:

Your affiant, Erik Longoria, a peace officer employed by the Calexico Police Department, states that he has been a peace officer for the past 4 years and that his current assignment is Investigations Division, and has received special training and experience in the field of narcotics, robbery, and property crimes. Your affiant has attended in excess of 120 hours of specialized training in investigations during said employment, from the California Department of Justice, Institute of Criminal Investigations, Riverside Community College, California Narcotics Officers Association, and the Calexico Police Department.

During the course of my duties, I have learned the following information based upon my discussions with the named witnesses or by having read the reports of or talked with other Calexico Police Department officers who have spoken directly with the named witnesses. All references to dates refer to the current calendar year, unless otherwise stated.

On 05-25-05, Calexico Police Department Investigations Division was conducting a probation search at the residence of Juan Hernan Lemus (10-31-75), 301 Sixth Street Apartment C, Calexico, California 92231. Upon knock and notice at his front door, Lemus threw two plastic baggies of a white crystal like substance and one plastic baggie of a green leafy like substance, out of his back window. The substances were later determined to be methamphetamines and marijuana. Lemus was arrested and transported to the Imperial County Jail.

On 08-24-06, at approximately 0600 hours, your affiant, Detective E. Longoria, and Detective J. Diaz of Calexico Police Department Investigations Division found that Juan Hernan Lemus (10-31-75) had an outstanding warrant for the charge of Health and Safety Code Section 11378, Possession of a Controlled Substance for Sales. The warrant had a bail of \$15,000.00 and was issued for the incident that occurred on 05-25-05.

To confirm that Juan H. Lemus was still residing at 301 Sixth Street Apartment C, Calexico, Detective J. Diaz and I (Detective E. Longoria) conducted surveillance outside of his residence. At approximately 0946 hours, Detective J. Diaz noticed Juan Hernan Lemus walking from his mother's residence, 301 Sixth Street (house) to 301 Sixth Street C (apartment). Lemus was holding a beige file folder in his hand. Detective J. Diaz recognized Lemus from prior law enforcement contacts and confirmed the subject walking to the apartment was in fact Juan Hernan Lemus. For officer safety reasons, we requested two more officers, and which point Sergeant Gonzalo Gerardo and Officer Armando Orozco responded.

At approximately 0949 hours, Detective J. Diaz and I (Detective E. Longoria) approached the address of 301 Sixth Street Apartment C. As we approached, Juan Hernan Lemus was exiting the apartment from the sliding

glass door, located on the north side of the apartment. We announced ourselves as police officers, and advised Lemus to exit the side yard and walk toward us. Lemus would not comply and demanded to know why. We advised Lemus that he had a warrant and was under arrest. Lemus appeared to be walking back toward the open glass door, and which point we entered a rod iron gate and went into the side yard. Lemus continued to ignore our commands, and backed up to the sliding glass door. At this time, we immediately apprehended Lemus with no incident. The sliding glass door was still open, and which point we cleared the apartment for officer safety reasons. As we exited the apartment, Detective J. Diaz noticed the beige file folder, which Lemus was carrying with him a couple minutes earlier, located in between the sofa cushions. Detective Diaz then noticed the butt and grip portion of a semi-automatic handgun, hidden under the seat cushion of the couch, located in the living room area. Detective Diaz advised me of the possible firearm. Based on prior law enforcement incidents and investigations, I know Juan Hernan Lemus to be a convicted felon. I further know that possession of a firearm by Juan H. Lemus would be a violation of Penal Code Section 12021(a)(1), Possession of a Firearm by a convicted Felon. I lifted the seat cushion and noticed a black and silver Ruger semi-automatic handgun.

I secured the scene by leaving two officers posted at the residence.

While at the residence, I noticed three vehicles in the area of the apartment. After conducting registration checks on all vehicles, I found that two of the vehicles came back registered to Juan H. Lemus. The vehicles were identified as a grey Dodge Ram bearing California license plate 7H10118 and a white Chrysler 300 M bearing California license plate 5SLX218. Further, I have personally seen Juan Lemus drive these vehicles in the past.

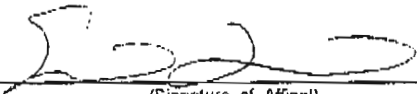
Based on my training, experience, and prior incidents with Juan H. Lemus, I know that he has been known to carry firearms and ammunition. I further have probable cause to believe there are firearms and ammunition inside the residence and vehicles of Juan Hernan Lemus.

I pray that a Search Warrant be issued based upon the aforementioned facts, for the seizure of said property, or any part thereof, between the hours of 7:00 A.M. and 10:00 P.M., good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, triable, pursuant to Section 1536 of the Penal Code,

Items attached and incorporated by Reference: YES ☐ NO ☒

I certify (declare) under penalty of perjury that the foregoing is true and correct.

Executed at El Centro
Calxico, California


(Signature of Affiant), 24th day of August, 2006, at 1:15 A.M. (P.M.)

Reviewed by: 
(Signature of Deputy District Attorney), 24th day of August, 2006, at 2:02 A.M. (P.M.)

SUSANA T. SALGADO
(Printed Name of Deputy District Attorney)